

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JONATHAN TODD,

Plaintiff,

v.

B&T FINANCIAL SERVICES, LLC,

Defendant.

CASE NO. 1:12-CV-06

HON. ROBERT J. JONKER

ORDER

This case has been pending for over six months with virtually no activity. Defendant has been served but no one has appeared for Defendant and no default has been requested or entered. Upon the Court's first show cause order (docket # 4), Plaintiff reported a settlement. The Court responded by order requiring closing papers within 30 days. That did not occur. Instead, Plaintiff unilaterally withdrew its earlier Notice of Settlement (docket # 6). In response to the Court's inquiry regarding the matter (docket # 7), Plaintiff reports Defendant has not followed through on documenting the terms of settlement.

In the Court's view, either the parties never had a binding settlement, in which case Plaintiff should not have advised the Court of a settlement in the first place; or the parties had a binding settlement, in which case Plaintiff's claim is now one for breach of contract, rather than one to enforce the original statutory claim. The Court is not privy to the details to sort this out, and so the

Court **DISMISSES** this action **WITHOUT PREJUDICE**. Plaintiff can file a new action in the appropriate forum for the claim it believes remains.

IT IS SO ORDERED.

Dated: July 23, 2012

/s/ Robert J. Jonker
ROBERT J. JONKER
UNITED STATES DISTRICT JUDGE